

 <div style="text-align: center;"> STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES </div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;"> Policy and Procedure </div>		POLICY AND PROCEDURE NUMBER DPDR 04.01.021	PAGE 1 of 3
		EFFECTIVE DATE April 15, 1995	
SUBJECT Restraint of Passengers/Use of Force		SUPERSEDES	DATED
TITLE Alaska Marine Highway System	CHAPTER General Administration	APPROVED BY	

I. Purpose and Scope:

In accordance with Policy Number 04.01.021, this procedure establishes the steps to follow when a vessel employee may be required to use force and/or restrain an individual for the safety of the vessel, crew, other passengers or the individual concerned.

II. Distribution:

All holders of the Department of Transportation and Public Facilities Procedure Manual.

A. Alternatives

Before any restraint or use of force is used crew members must first try to use the least forceful or restrictive alternative, and only rely on greater force as it becomes necessary:

The individual should first be approached and advised that his or her conduct is inappropriate. If that fails, the person should be requested to leave the immediate area, or should be escorted to another area of the vessel. Only if these alternatives fail is force or restraint appropriate. Even then, once the problem has passed and the individual has calmed, further restraint may not be necessary or appropriate.

Restraint and use of force to restrain are only to be used as a last resort.

B. Appropriate Use of Force

The force used to restrain an individual must be reasonable. The degree to which force and restraint are used to subdue and control an individual must be proportionate to the harm the individual has created or may create.

1. The degree of harmful or dangerous behavior the individual is exhibiting.
2. The size and apparent strength of the individual to be restrained.

3. Whether the individual appears to be under the influence of intoxicants or a controlled substance.
4. Whether the individual has, appears to have, or states they have a weapon.
5. Most importantly, if the attempted use of force to restrain an individual might cause harm to the crew member involved or other passengers.

C. Use of Force

When use of force to restrain an individual is deemed necessary, and all lesser means have failed:

1. Notify the individual of the intent to restrain, due to that person's failure to comply with the regulations of the vessel and/or the law, and tell the individual of the means of restraint (handcuffs).
2. Inform the individual that if they do not comply with verbal direction, restraint will be accomplished with the use of force (the minimum amount required to accomplish this task).
3. If the individual then exhibits violent or dangerous behavior, and there exists a reasonable belief or actual belief such attempt to restrain the individual would cause harm to the crew member(s) involved, or other passengers, then "Counter Assault" may be used by an authorized crew member. (See Counter-Assault Policy and Procedure.)

D. Detention

A shipowner (and by implication the crew) still owes the duty of exercising reasonable care towards those lawfully aboard the vessel. This includes an individual restrained by the crew for the safety of the vessel, passengers and the individual restrained. The individual should be restrained only for the minimum amount of time that is necessary to protect the vessel, crew, other passengers or the individual concerned, from harm.

When an individual who has been restrained by AMHS personnel is still under restraint when the vessel reaches the next port, law enforcement officers must be summoned to take charge of the situation. When an individual is restrained by employees of an AMHS vessel the following procedures must be followed:

1. A crew member must be assigned to keep watch of the individual (same sex when possible). The crew member assigned must have the ability to communicate with the bridge and to provide relief to the restrained individual, including the ability to remove the restraint.
2. The individual needs to be relocated away from other passengers. If the car deck is the chosen place of confinement, bedding may be required.

3. A thorough search of the individual must be conducted by a ship's officer. The search shall be limited to ascertaining whether or not the individual restrained has anything on their person or in their clothes which may cause them harm, or be used to endanger their safety or the safety of others.

If any property of the restrained individual needs to be placed in the custody of the vessel, a receipt shall be drawn up and signed by the ships officer conducting or witnessing the search. At least one other crew member must witness the search and sign the receipt if any property is removed from the restrained individual.

Any property held in custody must be turned over to the applicable law enforcement agency at the next port.

4. Meals and restroom facilities provided as appropriate.

E. Record Keeping

A decision to restrain, with or without the use of force, must be summarized in written form as near to the time of restraint as possible. The written summary (report) must include factual background and names and addresses of observers, as well as the reasons for the restraint/use of force. Reference to the restraint/use of force must be made in the vessels log, and the information summary (report) submitted to the port captains office. Notify the port captains office via telephone at the nearest opportunity.